

Amendment No. 1 to SB2582

Johnson
Signature of Sponsor

AMEND Senate Bill No. 2582

House Bill No. 2416*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 50-6-201(a)(1) and (b), is amended by deleting the language "thirty (30)" and substituting instead the language "fifteen (15)" wherever it may appear.

SECTION 2. Tennessee Code Annotated, Section 50-6-226(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d)

(1) In addition to attorneys' fees provided for in this section, the court of workers' compensation claims may award reasonable attorneys' fees and reasonable costs, including reasonable and necessary court reporter expenses and expert witness fees, for depositions and trials incurred when the employer:

(A) Fails to furnish appropriate medical, surgical, and dental treatment or care, medicine, medical and surgical supplies, crutches, artificial members, and other apparatus to an employee provided for in a settlement, expedited hearing order, compensation hearing order, or judgment under this chapter; or

(B) Wrongfully denies a claim by filing a timely notice of denial, or fails to timely initiate any of the benefits to which the employee is entitled under this chapter, including medical benefits under § 50-6-204 or temporary or permanent disability benefits under § 50-6-207, if the

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workers' compensation judge makes a finding that such benefits were owed at an expedited hearing or compensation hearing.

(2) Subdivision (d)(1)(B) shall apply to injuries that occur on or after July 1, 2016, but shall not apply to injuries that occur after June 30, 2018.

SECTION 3. Tennessee Code Annotated, Section 50-9-101(a), is amended by adding the following sentence after the first sentence:

It is also the intent of the general assembly that employers obtaining certification as a drug-free workplace under rules promulgated by the bureau should be able to renew that certification on an annual basis without requiring repeated annual training of existing employees; provided, however, the employer certifies on a form prescribed by the bureau that all existing employees have undergone training at least once and have acknowledged annually in writing the existence of the employer's drug-free workplace policy.

SECTION 4. Tennessee Code Annotated, Section 50-9-111(d), is amended by adding the following sentence to the end of the subsection:

The requirements shall not require an employer to provide annual education or awareness training for each employee if all existing employees have undergone such training at least once and have acknowledged annually in writing the existence of the employer's drug-free workplace policy.

SECTION 5. Tennessee Code Annotated, Section 50-6-216(e)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following language:

(3) An ombudsman who is not a licensed attorney shall not provide legal advice; however, an ombudsman who is a licensed attorney may provide limited legal advice but shall not represent any party as the party's attorney. No ombudsman shall make attorney referrals.

SECTION 6. This act shall take effect July 1, 2016, the public welfare requiring it, and Sections 1, 2, and 5 shall apply to injuries that occur on or after that date.